

REMARKS

In response to the Office Action mailed on March 10, 2008, Applicant respectfully requests reconsideration. Claims 1, 3, 6, 8, 9, 11, 13-16, 18, 19, 23, 25, 28, 30, 31, 33, 35, 36, 41-43, and 45-51 are pending in this application. Claims 1-19, 23-36 and 41-44 are rejected. Claims 45-51 are allowed. Claims 2, 4, 5, 7, 10, 12, 17, 24, 26, 27, 29, 32, 34, and 44 are canceled in this amendment. Claims 1, 3, 6, 8, 9, 14, 18, 23, 25, 28, 30, 31, and 36 are currently amended. Based on amendments being submitted in this reply, claims 1, 23, and 45 are independent claims, and the remaining claims are dependent claims. Applicant thanks Examiner for indicating allowable subject matter. Applicant believes that the claims as presented are in condition for allowance. Applicant respectfully requests a notice to this affect.

Claim Amendments

Claim 1 was amended and now recites all limitations of claim 2 and also recites several features from claim 45. Claim 2 was then canceled. Claims 3, 6, 8, 9, 14, and 18 were amended to change their dependency to claim 1. Claims 4, 5, 7, 10, 12, and 17 were canceled to avoid duplicate claims.

Claim 23 was amended and now recites all of the limitations of claim 24, and also recites several features from claim 45. Claim 24 was then canceled. Claims 25, 28, 30, 31, and 36 were amended to change their dependency to claim 23. Claims 26, 27, 29, 32, 34, and 44 were canceled to avoid duplicate claims. Thus the amendments do not add new matter.

Rejections under 35 U.S.C. §103

Claims 1-19, 23-36, and 41-44 have been rejected under 35 U.S.C. §103 as being unpatentable over Moran (USPN 6,801,940) in view of Kekic et al. (USPN 6,664,978). The rejections of claims 2, 4, 5, 7, 10, 12, 17, 24, 26, 27, 29, 32, 34, and 44 is moot because these claims are canceled. Applicant traverses the rejection to the remaining claims.

INDEPENDENT:

Claim 1. Claim 1 was amended to recite all of the limitations of claim 2, and also recites several features from allowed claim 45. Applicant respectfully submits that claim 2 as amended is patentable over the reference combination because the reference combination fails to teach all of the features of amended claim 1. Claim 1 recites particular features of Applicant's claimed invention distinguishable over the prior art. Specifically, claim 1 recites.

- a poller initiating requests for and receiving SNMP-attribute data from a monitored device across a public wide area network at repeated regular time intervals, wherein the requests include a test indicative of availability of a service on the monitored device; (as disclosed in claim 45 and as disclosed in the specification at page 18, lines 8-24)
- the poller further accumulating utilization information indicative of availability of a service on the monitored device; (as disclosed in claim 45 and as disclosed in the specification at page 12, lines 7-12)
- a graphical user interface to the received SNMP-attribute data stored in the database, wherein the graphical user interface selectively identifies performance and availability of services provided by monitored devices. (as disclosed in claim 45 and as disclosed in the specification at page 21, lines 13-18)

Therefore, Applicant believes claim 1 to be in condition for allowance.

-11-

Claim 23. Claim 23 was amended and now recites all of the limitations of claim 24, and also recites several features from claim 45. The features added from claim 45 are the same features added to claim 1. Thus, for applicable reasons as discussed above, Applicant respectfully submits that claim 23 as amended is patentable over the reference combination because the reference combination fails to teach all of the features of amended claim 23. Therefore, Applicant believes claim 23 to be in condition for allowance.

DEPENDENT:

Claims 3, 6, 8, 9, 11, 13-16, 18, 19, 25, 28, 30, 31, 33, 35, 36, and 41-43 depend on either claim 1 or claim 23, and incorporate all the limitations of either claim 1 or claim 23. As discussed above, claims 1 and 23 define patentable features over the prior art. Applicant respectfully submits that the dependent claims are in condition for allowance by virtue of dependency.

Summary

Applicants respectfully submit that the claims in the subject application are patentable over Moran and Kekic because the reference combination fails to teach or disclose all of the features of the claimed invention as amended. Thus, Applicants submit that the pending claims are in condition for allowance.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

-12-

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Attorney Docket No.: GMZ08-02

Dated: July 10, 2008